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6	IN THE UNITED STATES DISTRICT COURT
7	FOR THE DISTRICT OF ARIZONA
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9	Thomas L. Propst, et al.,  No. CV-08-2111-PHX-DGC
10	Plaintiffs, ORDER
11	vs.
12	David Michael Simon, et al.,
13	Defendants.
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15	On February 28, 2010, Defendants filed a motion for summary judgment on all counts
16	in Plaintiffs' complaint. Dkt. #46. The parties filed a stipulation to extend the due date for
17	Plaintiffs to respond. Dkt. #53. The stipulation was granted by the Court and Plaintiffs were
18	given until May 10, 2010 to file a response. Dkt. #55. Plaintiffs did not file a response to
19	the motion for summary judgment by the May 10, 2010 deadline. The Court accordingly
20	entered an order requiring Plaintiffs to respond by June 11, 2010. Dkt. #58. Plaintiffs failed
21	to comply with the Court's order.
22	Before dismissing a case for failure to prosecute or failure to comply with the rules
23	or an order, the Court must weigh five factors: (1) the public's interest in expeditious
24	resolution of litigation, (2) the Court's need to manage its docket, (3) the risk of prejudice
25	to the defendants, (4) the public policy favoring disposition of cases on their merits, and
26	(5) the availability of less drastic sanctions. See Henderson v. Duncan, 779 F.2d 1421, 1423
27	(9th Cir. 1986). The first three factors favor dismissal. The fourth factor, as always, weighs
28	against dismissal. The fifth factor also favors dismissal. The Court has twice extended the

1	time for Plaintiffs to respond to Defendants' motion. The Court's most recent order required
2	Plaintiffs to respond, and they failed to do so. When Plaintiffs repeatedly refuse to respond
3	to direct orders from the Court, no sanction short of dismissal appears likely to move the case
4	forward.
5	IT IS ORDERED:
6	1. This action is <b>dismissed</b> for Plaintiffs' failure to prosecute and to respond to
7	Court orders.
8	2. The Clerk shall enter judgment accordingly.
9	DATED this 22 <sup>nd</sup> day of June, 2010.
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12	Daniel Gr. Campbell
13	David G. Campbell United States District Judge
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